

Message Text

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ORIGIN ARA-20

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DRAFTED BY ARA/ECP:JLANDBERG:MMW

APPROVED BY ARA/ECP:GROLSSEN

USDA - DR. ATWELL (DRAFT)

USDA - MKELLY (DRAFT)

ARA/PAN - HSTEIN

L/ARA - DGANTZ (DRAFT)

LA/DR - RSEIFMAN (DRAFT)

LA/GC - ILEVY (DRAFT)

FHWA - HLINDBERG (DRAFT)

ARA - DSZABO (SUBSTANCE)

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FM SECSTATE WASHDC

TO AMEMBASSY PANAMA PRIORITY

INFO AMEMBASSY BOGOTA

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E.O. 11652: N/A

TAGS: EAGR, PN

SUBJECT: FMD AMENDMENT

REF: PANAMA 1075, 1114.

1. WE HAVE REVIEWED THE REVISED FMD AMENDMENT DRAFT REPORTED IN REFTELS AND THE FOREIGN OFFICE MEMORANDUM TRANSMITTED IN PANAMA'S A-43. THE REVISED DRAFT IS UN-ACCEPTABLE FOR A NUMBER OF REASONS. OUR PRINCIPAL CONCERN IS THAT THE REVISED VERSION IS NOT CLEAR ON HOW THE FMD PROGRAM ACTUALLY WILL BE ADMINISTERED AND BY WHOM. IN SOME PLACES IT APPEARS THAT MIDA WILL ADMINISTER THE PROGRAM WITH THE "JOINT COMMISSION" OPERATING THROUGH THE LIMITED OFFICIAL USE

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"TECHNICAL EXECUTIVE COMMITTEE" AS AN ADVISORY BODY. FOR

EXAMPLE, SECTION A3 STATES THAT "MIDA WILL TAKE THE NECESSARY STEPS TO ESTABLISH A SURVEILLANCE SYSTEM OF LAND, AIR AND WATER TRAFFIC.....KEEPING IN MIND THE TECHNICAL INDICATIONS OF THE TECHNICAL EXECUTIVE COMMITTEE." IN OTHER PLACES THE JOINT COMMISSION'S INVOLVEMENT APPEARS MORE DIRECT, AS IN SECTION A1, WHICH STATES THAT THE ANIMAL INSPECTION ZONE "WILL BE POLICED BY THE NATIONAL GUARD AND INSPECTED BY PERSONNEL IN THE SERVICE OF THE COMMISSION." IF MIDA IS TO ADMINISTER THE PROGRAM, NO PROVISION IS MADE FOR APPOINTING A PROGRAM DIRECTOR WHO WOULD BE THE PRIMARY CONTACT FOR THE U.S. PARTICIPANTS. IT IS ALSO NOT CLEAR

WHETHER EMPLOYEES WORKING IN THE PROGRAM WOULD BE SELECTED, PAID AND DIRECTED BY MIDA, THE COMMISSION OR SOME BY BOTH. UNTIL THIS FUNDAMENTAL QUESTION OF WHO IS TO DIRECT THE PROGRAM IS ANSWERED, THE SECTIONS OF THE AMENDMENT REGARDING FINANCING, DISBURSEMENT AND AUDIT PROCEDURES, AND THE TECHNICAL ACTIVITIES TO BE CARRIED ON, CANNOT BE DETERMINED.

2. IT WOULD APPEAR, BASED ON THE ABOVE THAT THE FOREIGN OFFICE OBJECTS TO THE CONCEPT OF A JOINT COMMISSION, WITH CO-EQUAL U.S. AND PANAMANIAN DIRECTORS, ACTUALLY ADMINISTERING THE PROGRAM, HIRING AND PAYING THE EMPLOYEES ETC. THERE IS EVIDENCE OF THIS THROUGHOUT THE FOREIGN OFFICE MEMO AND THE REVISED DRAFT AMENDMENT. IN CONTRAST MIDA, FROM THE OUTSET, HAS FAVORED A JOINT COMMISSION WHICH WOULD ACTUALLY DIRECT THE FMD PROGRAM. THE REVISED DRAFT AMENDMENT TRIES TO INCLUDE THESE TWO INCOMPATIBLE VIEWS, AND AS SUCH IT DOES NOT PROVIDE A BASIS FOR AN EFFECTIVELY ADMINISTERED FMD PROGRAM.

3. IF OUR ANALYSIS IS CORRECT, IT IS NECESSARY TO PROMPTLY RESOLVE THE QUESTION OF HOW AND BY WHOM THE FMD PROGRAM SHOULD BE ADMINISTERED SO THAT AGREEMENT CAN BE REACHED QUICKLY AND THE STRENGTHENED FMD PROGRAM IMPLEMENTED. WE STILL BELIEVE, AND WE ASSUME MIDA IS ALSO OF THIS VIEW, THAT A JOINT COMMISSION, WHICH WOULD BE IN CHARGE OF PROGRAM ACTIVITIES, COORDINATION WITH OTHER GOVERNMENT AGENCIES (SUCH AS THE NATIONAL GUARD), HAVE LIMITED OFFICIAL USE

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DIRECT CONTROL OF EMPLOYEES WORKING IN THE PROGRAM, ETC., WOULD BE THE BEST MEANS OF INSURING AN EFFECTIVE FMD PROGRAM. IN LIGHT OF THE FOREIGN OFFICE'S APPARENT OBJECTION TO THIS APPROACH, HOWEVER, FOR US TO CONTINUE TO PUSH FOR AN AMENDMENT BASED ON THIS CONCEPT COULD WELL LEAD TO AN INDEFINITE DELAY IN GOP APPROVAL AND IMPLEMENTATION.

4. IT IS THEREFORE IMPORTANT THAT THE EMBASSY DETERMINE AS QUICKLY AS POSSIBLE WHETHER THE FOREIGN OFFICE IS WILLING TO ACCEPT A JOINT COMMISSION, WITH CLEAR AUTHORITY TO DIRECT THE PROGRAM, INCLUDING COORDINATION WITH GOP AGENCIES AND DIRECT CONTROL OVER THE EMPLOYEES WORKING IN THE PROGRAM, AS THE BASIS FOR ITS ADMINISTRATION. WE BELIEVE BEST AND FASTEST WAY TO DETERMINE THIS IS FOR EMBASSY, ALONG WITH DR. REA, TO MEET WITH APPROPRIATE OFFICIALS OF BOTH FOREIGN OFFICE AND MIDA TO DISCUSS WHAT WOULD CONSTITUTE AN ACCEPTABLE BASIS FOR DIRECTION OF THE FMD PROGRAM. IT SHOULD BE MADE CLEAR THAT AN INFORMAL UNDERSTANDING - I.E. ONE THAT IS NOT CLEARLY STATED IN THE AMENDMENT - THAT MIDA WOULD DELEGATE AUTHORITY TO SUCH A

COMMISSION TO RUN THE PROGRAM, WOULD NOT BE AN ACCEPTABLE FOUNDATION FOR THE CONTEMPLATED FMD PROGRAM. IF THE FOREIGN OFFICE WOULD NOT ACCEPT A JOINT COMMISSION WITH THE NECESSARY AUTHORITY, WHAT FORM OF ORGANIZATION WOULD THE MINISTRY PROPOSE?

5. ACTION REQUESTED: EMBASSY IS AUTHORIZED TO INITIATE DISCUSSIONS WITH FOREIGN OFFICE AND MIDA TO OBTAIN AN UNDERSTANDING AS PROMPTLY AS POSSIBLE ON THE PRINCIPLES UPON WHICH THE
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